

**Due Process Hearings FY 2004/2005**  
**State Education Advisory Panel**  
**(SEAP/PL 94-142 Advisory Panel) Disclosure**  
**November 2005**

**NOTE: This document has been revised for the February 2006 Panel meeting to clarify dismissals and settlement orders.**

88 due process hearing requests filed – some of these led to decisions, some were withdrawn, and others are still pending

28 due process hearing decisions (some of these cases were filed in prior fiscal years):

- 15 decisions after hearing
- 6 dismissals\*
- 7 settlement orders\*\*

3 expedited due process hearing requests (disciplinary changes of placement).

19 mediations: 3 resulted in withdrawal of due process hearing request.

Copies of due process hearing decisions are posted on the web site at:

[www.dese.mo.gov/divspeced](http://www.dese.mo.gov/divspeced) click on Compliance icon, and then click on complaint system, and then click on due process hearing system.

Placement and Evaluation/Eligibility were the most frequent issues in FY 2004/2005.

Time-lines for all cases but one exceeded 45 days.

Time-lines were properly extended in all cases.

Time-lines ranged from the shortest of 30 days to the most lengthy at 19 months; however, the average duration of the remaining cases was approximately 6 months.

\*Dismissals: These are Orders of the chairperson which reflect that the case is being dismissed contrary to the desire of the complainant. Examples of the reasons for such dismissals include, but are not limited to: the issue being moot, the parent having changed residence, the parent losing educational decision-making rights and thus having no standing to pursue case, the issues being non-IDEA issues.

\*\* Settlement Orders: These are Orders of the chairperson which reflect the fact that the parties entered into a settlement agreement and that the case is being dismissed with prejudice based on that agreement. These Orders then can serve as the basis for a prevailing party to seek attorney fee reimbursement from the court if this issue has not been resolved as part of the settlement agreement. These are technically hearing decisions, even though no hearing took place.